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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,617	02/19/2002	Sinikka Sarkkinen	017.41187X00	9558
7590	11/03/2004		EXAMINER	
Robert M. Bauer, Esq. Brown, Raysman, Millstein, Felder & Steiner LLP 900 Third Avenue New York, NY 10022				GESESSE, TILAHUN
				ART UNIT 2684 PAPER NUMBER

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/076,617	SARKKINEN ET AL.
	Examiner	Art Unit
	Tilahun B Gesesse	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6-16 and 19-29 is/are rejected.
- 7) Claim(s) 4,5,17 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3,6-16,19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkubo et al "ohkubo" (2001/0046877) in view of Toskala et al "Toskala" (6,650,905).

As to claims 1, 28, Ohkubo discloses a method of controlling the power level of multicast data transmissions in a wireless communications network (figure 1), comprising: providing power level information in a transmitted channel received by a user equipment (41) (page 5 para. 0063 and page 4 para 0050), measuring (62) the C/I ratio R and a reference C/I "power level" of a signal received by the user equipment (page 1, para.0072 and page 4 para 0049), comparing (43) the reference C/I ratio value "power level" measured by the user equipment to the power level indicated by said power level information provided in said transmitted channel (page 4 para 0053 and page 5 para. 0063 and figure 2). Ohkubo teaches power level measurement information (22) in a message sent by the user equipment (32) depending on the results obtained when the power level measured (22) by the user equipment is compared to the power level indicated by the power level information provided in said transmitted channel

(page 4 para 0054). Ohkubo slightly differs in teaching in measuring power level. However, Toskala, in the same field of endeavor teaches measuring power level by the user equipment (EU), (column 3, lines 37-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to measure power level at the user's equipment to determine the strength of signal receive, as taught by Toskala, in order to transmit to base station the measure value as feedback for the base station to adjust its power level.

As to claims 2,16, Ohkubo does not disclose the user equipment enters a new cell . However, Toskala discloses the power measurement takes place when the user equipment enters a new cell (figure 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to measure power level upon an user equipment enters a new cell, as taught by Toskala, in order to switch to the base station with strong signal strength with better quality of data communication.

As to claim 3, Ohkubo discloses the comparing step is performed in said user equipment and said power level measurement information is included in the message sent by said user equipment is less than the power level indicated by the user equipment if the power level measured by said user equipment said power level information provided in said transmitted channel (the comparator 43 outputs a signal, indicating a difference between the reference c/l ratio (Rref) 44 and measured C/l ratio, It is considered that the difference to transmitter 23 (page 4 , second column 4 para.).

As to claims 6,19, Ohkubo discloses transmitted channel is an uplink

direct transfer message (figure 1).

As to claims 7,20, Ohkubo discloses transmitted channel is a multicast power indication message (figure 1).

As to claims 8,21 Ohkubo discloses provide in said transmitted channel (figure 1).

As to claims 9,22, Ohkubo discloses performed periodically while the user equipment is in the same cell (page 4 3rd para.)

As to claims 10,27, Ohkubo discloses storing in a multicast database the power level measurement information included in the message sent by the user equipment (page 3,2nd column, para.5 and figure 2).

As to claim 11 , Ohkubo does not discloses the message sent by the user equipment does not cause the establishment of an RRC connection. Toskala teaches network controller (76) of figure 10 "RRC" (claim 3). Therefore, it would have been obvious to one of ordinary skill in the ad at the time of the invention was made to combine Ohkubo and Toskala in transmitting the indication of the power level to the selected base station, as taught by Toskala, for further communication between the base station and user equipment using the specified power level.

As to claims 12,24, Ohkubo discloses the wireless communication network changes the power level of multicast data transmissions based on the power level measurement information included in a message sent by the user equipment (abstract).

As to claims 13,25, Ohkubo discloses the power level of the multicast data transmissions is less than the maximum power level required for all user equipment in network (page 4, column 1st 7th paragraph).

As to claims 14, 26, Ohkubo discloses tracking the location of user equipments in the wireless communication network (figure 1).

Claims 15,23, which recites the steps of implementing apparatus, in place of method claim 1, is rejected for the same reason as set forth in the claim.

As to claim 29, Ohkubo discloses the network element is adapted to receive message including power level measurement information indicated that the power level measured by the user equipment is less than the power level indicated by the power level information provided in said transmitted channel and to provide that the wireless communications network decreases the power level of multicast data transmissions in 6 2nd column 2nd paragraph) and the absence of the messages (page 6,2nd column 2nd para.).

Allowable Subject Matter

4. Claims 4-5 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the feature of these unique limitation "the message sent by said user equipment if the power level measured by said user equipment is less than the power level

indicated by said power level information provided in said transmitted channel is a cell update message and a URA update message". This limitation in conjunction to independent claim, the prior art fails to suggest or disclose, this limitation is indicating allowable over the prior art of record. Response to

Arguments

5. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saints et al (6,374,085) discloses transmitting a current communication signal, receiving the current communication signal, receiving the current communication signal; determining a quality level of the current communication signal', adjusting a quality level threshold to the quality level of the current communication and transmitting a current communication signal (column 3, lines 15-26).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703- 308-5873. The examiner can normally be reached on flex. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 25, 2004

Tilahun Gesesse


TILAHUN GESESSA
PATENT EXAMINER